APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,190	09/12/2000	Thelma G. Manning	95-18A2	9011

7590   04/24/2003

Robert Charles Beam
Attn: AMSTA-AR-GCL
Building 3
Picatinny Arsenal, NJ 07821-5000

EXAMINER
MILLER, EDWARD A

ART UNIT	PAPER NUMBER
3641	

DATE MAILED: 04/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

*-- The **MAILING DATE** of this communication appears on the cover sheet with the correspondence address--*

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on *16 September 2002*.

    (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.

    (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.

    (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).

    (c) ☒ A reply was received on *14 March 2003* but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).

    (d) ☐ No reply has been received.

2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

    (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).

    (b) ☐ The submitted fee of $_____ is insufficient. A balance of $_____ is due.

        The issue fee required by 37 CFR 1.18 is $_____. The publication fee, if required by 37 CFR 1.18(d), is $_____.

    (c) ☐ The issue fee and publication fee, if applicable, has not been received.

3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).

    (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.

    (b) ☐ No corrected drawings have been received.

4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.

5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.

6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

7. ☒ The reason(s) below:

    See next page.

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

1.   The supplemental reply to Paper No. 10, which Paper No. 10 was mailed September 16,

2002, which reply was filed on March 14, 2003, is still not fully responsive to the prior Office.

The declaration submitted is improper since it refers to an application different from the

instant application. See Paper No. 7, paragraph 8, as well as Paper No. 10, paragraph 1, which

required applicant to submit a new oath or declaration, properly identifying the application by serial

number and filing date. Applicants were repeatedly advised that the instant application serial

number is not "09/351,350", but 09/665,190. That the correct Serial Number is known to

applicants is further shown by the Serial Number on the front page of the instant amendment and

by the amended "Cross Reference to Related Applications" which specify the correct serial number

and that it is a continuation-in-part of S.N. 09/351,350.

Notwithstanding the prior detailed explanation, the declaration submitted with applicants'

reply, containing fax markings indicating a fax date of 3/14/2003, still refers to this application as

SN 09/351,350. Therefore, applicants have failed to do what was required of them by the Office,

having been previously advised of the proper steps to take. The full statutory six months time for

reply, 35 USC 133, has expired.

Therefore, this application is held abandoned, 37 CFR 1.135(b), for failure to take such

complete action as the condition of the case requires, c.f., Paper No. 10, page 6, paragraph 3.

2.   Any inquiry concerning either this or an earlier communication from the Examiner should
be directed to Examiner Edward A. Miller at (703) 306-4163. Examiner Miller may normally be
reached Monday-Thursday, from 10 AM to 7 PM.

If attempts to reach Examiner Miller by telephone are unsuccessful, his supervisor Mr.
Carone can be reached at (703) 306-4198. The Group fax number is (703) 305-7687.

If there is no answer, or for any inquiry of a general nature or relating to the application
status, please call the Group receptionist at (703) 308-1113.

Miller/em
April 9, 2003

EDWARD A. MILLER
PRIMARY EXAMIN   }